

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ATATEKS FOREIGN TRADE LTD, JORDAN AND ATATEKS
DIS TICARET, A.S.,

Plaintiffs,

- against -

PRIVATE LABEL SOURCING, LLC and SECOND SKIN,
LLC.,

Defendants.

-----X

One Penn Plaza
New York, New York

May 30, 2008
8:45 A.M.

DEPOSITION VIA TELECONFERENCING
of a NON-PARTY WITNESS, BAHAR AKBULUT
taken by both parties, held pursuant
to a Court Order and Agreement before a
Notary Public of the State of New York.

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A P P E A R A N C E S :

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(5)

ERIC J. GRANNIS, ESQ.

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363 Seventh Avenue, Fifth Floor

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(13)

BY: PHILIP A. BYLER, ESQ.

(14)

(15)

ALSO PRESENT:

(16)

M. Tekin Esendaz

(17)

Turkish Interpreter

(18)

(19)

Alp Duman

(20)

(21)

In Turkey

(22)

Cagdas Yilmaz, Esq.

(23)

Attorney for the Private Label

(24)

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(2) F E D E R A L S T I P U L A T I O N S

(3) IT IS HEREBY STIPULATED AND

(4) AGREED, by and among the attorneys for
(5) the respective parties herein, that the
(6) sealing, filing and certification of
(7) the within deposition be waived; that
(8) such deposition may be signed and sworn
(9) to before any officer authorized to
(10) administer an oath, with the same force
(11) and effect as if signed and sworn to
(12) before whom said deposition is taken.

(13) IT IS FURTHER STIPULATED AND
(14) AGREED that all objections, except as
(15) to form, are reserved to the time of
(16) trial.

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(1)
(2) M. T E K I N E S E N D A Z,
(3) was duly sworn to accurately interpret
(4) the questions from English into
(5) Turkish and the answers from
(6) Turkish into English:
(7)

(8) B A H A R A K B U L U T,
(9) called as a witness, having been duly
(10) affirmed, testified as follows:

(11) MR. GRANNIS: Tell them this is
(12) Eric Grannis and I am going to make a
(13) few statements for the record which
(14) won't be translated.

(15) I want to note that I was advised
(16) two days ago about this deposition
(17) scheduled to occur after the close of
(18) discovery. I agreed to take the
(19) deposition because I want all the
(20) facts to come out and all the witnesses
(21) to be heard and could be heard
(22) regarding this matter.

(23) I arrived today at 8:00 A.M. at
(24) One Penn Plaza after being advised
(25) yesterday that the deposition was

(1) AKBULUT

(2) scheduled for today. I was not admitted
(3) in for some time and finally gained
(4) access at approximately 9:00 due to
(5) various delays.

(6) MR. BYLER: 8:45.

(7) MR. GRANNIS: 8:45. The witness
(8) has advised us that she can only remain
(9) for an hour. I think it is very
(10) unrealistic to think that we can finish
(11) a deposition in an hour, particularly
(12) given that we need translation, and
(13) therefore, although I am participating
(14) in this deposition, I am doing so under
(15) objection. I will note I expect to
(16) have Mr. Byler to cease in 40 minutes
(17) and then I have 20 minutes of
(18) questioning that I can undertake.

(19) MR. BYLER: I will not make any
(20) comment to a specific time. I will try
(21) to give you as much time as I can for
(22) cross-examination. But some of the
(23) time you have spent making statements
(24) to the witness and wasting time making
(25) comments.

(1) AKBULUT

(2) We are going to do the best we
(3) can to get discovery done even with the
(4) very tight guidelines that the judge
(5) ordered. I know it was above the usual
(6) course to come in on a short notice
(7) but the judge ordered it and
(8) essentially required it.

(9) Now, let's get going.

(10) BY MR. BYLER:

(11) Q Could you ask the witness to
(12) state her name for the record?

(13) A Bahar Akbulut.

(14) Q Can you spell your last name?

(15) A A-K-B-U-L-U-T.

(16) Q Please have her state either her
(17) home or business address, whatever she
(18) prefers?

(19) A Why?

(20) Q For identification.

(21) THE INTERPRETER: Hold on one
(22) second. I am asking her basically.

(23) A D-E-M-I-R-C-K-O-Y S-A-P-A-G-I

(24) K-A-R-D-E-L-E-M C-A-D I-H-L-A-M-U-R

(25) E-V-L-E-R-I Number 1, Z-E-K-E-R-I-Y-A-K-O-Y,

(1) AKBULUT

(2) Istanbul.

(3) Q Ask her to summarize very briefly
(4) her education background?

(5) A University graduate. I am
(6) working for last 11 years at Atateks in
(7) marketing department.

(8) Q Did there come a time that she
(9) became employed by Atateks?

(10) A Fifteen 15 years. I am not with
(11) the same company for all of those 15 years,
(12) but different companies. I worked in Atateks
(13) for four or five years.

(14) Q What year was it she became
(15) employed by Atateks?

(16) A 2002 if my memory serves me
(17) correctly.

(18) Q Did there come a time that she
(19) left Atateks?

(20) A Yes.

(21) Q When?

(22) A 2006.

(23) Q What position did she hold when
(24) she was employed by Atateks?

(25) A Sales manager.

(1) AKBULUT

(2) Q To whom did she report in her
(3) position as sales manager?

(4) A Mr. Ihlan Arslan.

(5) Q Who is he?

(6) A Mr. Ihlan Arslan use to come and
(7) go. When he was there I would report to him.
(8) When I was not reporting to him, I reported
(9) to I-H-S-A-N same last name.

(10) Q Did she have employees at Atateks
(11) that report to her?

(12) A Yes.

(13) Q Approximately how many?

(14) A Five or six.

(15) Q Within Atateks, did she, in a
(16) position as sales manager, deal with the
(17) finance department for customers?

(18) A I would only relay the invoices
(19) when send it to me. I would okay the
(20) invoices and then I would send it to either
(21) accounting or to finance department.

(22) Q Within Atateks as sales manager,
(23) did she deal with the Atateks production
(24) department?

(25) A Of course. As I would get the

(1) AKBULUT

(2) orders, I was responsible from having done
(3) them, produced and approved by the customer.
(4) And then I was responsible for the shipment
(5) and after the shipment I was responsible to
(6) bring the money back to the company.

(7) Q Within Atateks, did she conduct
(8) business with Atateks' customers without
(9) necessarily involving Ilhan Arslan or Ihsan?

(10) MR. GRANNIS: Objection to the
(11) form.

(12) A I didn't understand the question.

(13) Q Okay.

(14) A They would not interfere in the
(15) subjects related to the production, but other
(16) than that, I report every subject to them.

(17) Q Who is Emir Basul?

(18) A An agent. Is the agent for the
(19) Private Label.

(20) Q Did she communicate with Emir
(21) Basul in the course of her duties at Atateks
(22) regarding Private Label?

(23) A Yes, we would go with him, to go
(24) with him to do anything.

(25) Q How frequently did she

(1) AKBULUT

(2) communicate with Emir Basul regarding the
(3) Private Label business?

(4) A When they have business with us
(5) during the production, we would communicate
(6) every day.

(7) MR. GRANNIS: Hold on. This is
(8) for the record. I understand it's not
(9) intentional that Mr. Byler is
(10) repeatedly phrasing the questions, did
(11) she have contact and not did you. It's
(12) not clear to me what's being translated
(13) to the witness. Is it she or you and
(14) as we get into more tricky areas, there
(15) could be confusion about the misuse of
(16) pronouns, I note that for the record.

(17) MR. BYLER: I don't think there
(18) is any confusion. Let me ask the
(19) translator. Were you translating my
(20) question directly to Bahar as you
(21) heard?

(22) THE INTERPRETER: I am referring
(23) as you when I am speaking to Ms. Bahar,
(24) I am referring to her as you.

(25) MR. GRANNIS: Right. I think the

(1) AKBULUT

(2) translator should translate what is
(3) spoken by Mr. Byler. If he chooses to
(4) ask his questions in a --

(5) MR. BYLER: You are wasting time
(6) with a lot objections to mess up the
(7) deposition.

(8) MR. GRANNIS: No.

(9) MR. BYLER: I am getting that
(10) impression, sir.

(11) MR. GRANNIS: No. I am trying to
(12) make the matter clear.

(13) MR. BYLER: Let me stop you and
(14) get on with my question, please.

(15) Q In your capacity as a sales
(16) manager, did you have other accounts that you
(17) serviced for Atateks?

(18) A Of course, yes. Because I was
(19) responsible from the United States. I had a
(20) lot of customers, not only Private Label or
(21) Emir Basul.

(22) Q In your duties as the sales
(23) manager at Atateks, did you see purchase
(24) orders from Private Label?

(25) A No.

(1) AKBULUT

(2) Q No.

(3) Do you know who handled the
(4) purchase orders that came into Atateks from
(5) Private Label?

(6) A Do you mean purchase order, when
(7) we receive a purchase order, it will be
(8) converted to the form of orders we use within
(9) the company and it will be distributed to the
(10) appropriate sections income. Internal
(11) purchases that are related to those purchase
(12) orders will not be done by me, were not done
(13) by me.

(14) Q What was she responsible for in
(15) this process of converting the purchase
(16) orders into the internal Atateks documents?

(17) MR. GRANNIS: Objection to the
(18) form.

(19) A After we received the purchase
(20) order from the client, after we received the
(21) purchase order and we would convert it to the
(22) internal form, which would indicate the
(23) amount of the order; the type of yarn that
(24) will be used; the products that would be
(25) produced; the country that it is going to be

(1) AKBULUT

(2) sent to; the name of the customer; the
(3) details of our packaging; details about
(4) accessories and then give the order to start
(5) the production.

(6) MR. GRANNIS: I object. I mean
(7) this is no criticism of the translator.
(8) He translated that very lengthy answer
(9) which he essentially understood and
(10) restated the answer, but it's
(11) impossible that was a word-for-word
(12) translation of what was stated, and we
(13) have to have a procedure with the words
(14) spoken by the translator --

(15) MR. BYLER: Mr. Grannis, you
(16) obstructing this deposition with
(17) meritless objections and I know why you
(18) are doing it. It's a tact on your part
(19) and --

(20) MR. GRANNIS: -- the translator.

(21) MR. BYLER: Let me ask my
(22) questions, sir. No, no, stop, let me
(23) ask the deposition questions.

(24) MR. GRANNIS: I want to ask --

(25) MR. BYLER: No, no.

(1) AKBULUT

(2) MR. GRANNIS: I want to ask the
(3) translator if that was a word-for-word
(4) translation. Will you let him answer?

(5) THE INTERPRETER: That was a
(6) word-for-word translation. I am a
(7) translator for the last 18 years and I
(8) am working in the federal and state
(9) courts. I am state certified court
(10) interpreter and I have taken some
(11) education in how to deal with lengthy
(12) words, that's why I am taking notes.
(13) That's why I have asked her to repeat
(14) her answer once again which I have
(15) written down.

(16) MR. GRANNIS: I ask that the
(17) notes be preserved for the record. Go
(18) ahead.

(19) MR. BYLER: No, you occupied
(20) your time with comments about my
(21) questions and with meritless
(22) objections. That's what happened here.

(23) Q Were you involved at all with
(24) respect to issues that arose concerning a
(25) Jordanian plant of Atateks?

(1) AKBULUT

(2) MR. GRANNIS: Objection to the
(3) form.

(4) A What kind of subjects?

(5) Q Labor problems.

(6) THE INTERPRETER: Label.

(7) MR. BYLER: Labor.

(8) A I was having production being
(9) done in Jordan and I was giving them order
(10) forms, that's all I know. I didn't
(11) understand if there was anything else.

(12) Q Did she ever learn about a
(13) national labor committee report concerning
(14) the Jordanian plant of Atateks?

(15) A Yes. Such reports came out, yes.

(16) Q What did she learn at the time
(17) that those reports came out?

(18) A Only the things that came out in
(19) the newspapers, that's all.

(20) Q Did this have any impact on
(21) customers of Atateks?

(22) A No.

(23) Q Were you involved in any audits
(24) of the Jordanian plant of Atateks?

(25) A It was not my responsibility.

(1) AKBULUT

(2) It's an independent company so they have
(3) their own employees and mangers, whatsoever.
(4) I was only giving them orders to produce,
(5) that was all I was doing.

(6) Q Was she involved at all in any
(7) activities at Atateks concerning Target
(8) audits at the Jordanian Atateks plant in
(9) Jordan?

(10) A No.

(11) Q Did she have any knowledge in
(12) terms of what Target did with respect to
(13) production from the Jordanian plant of
(14) Atateks?

(15) THE INTERPRETER: Can I have the
(16) question once more. First of all, may
(17) I ask you if Target is another company?

(18) MR. BYLER: Yes, the Target
(19) Company, retail. It is like Walmart.

(20) THE INTERPRETER: Yes, the last
(21) question.

(22) Q Did she learn of any actions by
(23) Target with respect to production of garments
(24) from the Jordanian plant of Atateks?

(25) A They would send us information

(1) AKBULUT

(2) when they are going to perform an audit, and
(3) all the companies involved in the process
(4) would go over there, that's all.

(5) Q Did she learn at any time that
(6) Target would not accept any production of
(7) garments from the Jordanian plant of Atateks?

(8) MR. GRANNIS: Objection to the
(9) form.

(10) A No.

(11) Q In the period of time that she
(12) was national sales manager, what was the
(13) volume of business that Atateks did with
(14) Private Label?

(15) A I don't remember exactly but it
(16) was quite high.

(17) Q Prior to July 2006, were there
(18) any payment problems with Private Label?

(19) A It was because this was a long
(20) time ago, I don't remember exactly. But
(21) during the course of business there were
(22) times when there were some problems and they
(23) would be resolved. There would be other
(24) problems but not specifically.

(25) Q Prior to July 2006, was it a good

(1) AKBULUT

(2) business relationship between Private Label
(3) and Atateks?

(4) MR. GRANNIS: Objection to the
(5) form.

(6) A Yes.

(7) Q Who is Christine Dente?

(8) A Private Label Sourcing Company.
(9) Owner of the Private Label Sourcing Company.

(10) Q In the course of her work as the
(11) sales manager of Atateks over the four years
(12) she was there, how often did she have
(13) communications with Christine Dente?

(14) A Because we were working in a very
(15) dense relationship, I would have
(16) communications with Christine through Basul
(17) Textiles, not as a personal relationship but
(18) we would exchange E-mails and things like
(19) that.

(20) When I would come to the United
(21) States on business trips, et cetera, and we
(22) would then speak personally and meet with him
(23) or her. Other than that, we wouldn't have
(24) any personal relationship.

(25) Q Did you have any difficulties in

(1) AKBULUT

(2) the course of your work at Atateks with
(3) Christine Dente?

(4) A I didn't understand.

(5) Q Problems, difficulties, issues.

(6) A Because we are the producer and
(7) they are the buyers, during the course of
(8) business there are times when we had some
(9) difficulties or problems. But I didn't
(10) exactly understand what you mean by problems.

(11) Q What were the issues that came up
(12) that were worked out?

(13) THE INTERPRETER: She is on the
(14) phone with somebody else.

(15) A What problems?

(16) Q That was my question to her, were
(17) there any major problems?

(18) A If that's what you mean, if
(19) that's what you mean, in the last period of
(20) business, there was some checks that were not
(21) paid by them and that created some problems
(22) and they never paid. If that's what you mean
(23) by problems.

(24) Q Before then?

(25) A Before that, there were no

(1) AKBULUT

(2) problems.

(3) Q Do you recognize the term charge
(4) back?

(5) THE INTERPRETER: Charge back?

(6) MR. BYLER: Charge back.

(7) A Yes, I know.

(8) Q What is her understanding of the
(9) term charge back?

(10) A If there is a delay in the
(11) shipment or if there is a problem with the
(12) quality of the product that has been
(13) produced, then the buyer assessed an amount
(14) for this, and this amount would be deducted
(15) from the payment of the buyer. In our terms
(16) this is called reclaiming.

(17) Q How were charge backs handled
(18) between Private Label and Atateks?

(19) A There would be a demand note
(20) coming from the customer, either in the form
(21) of an invoice or in the form of a document.
(22) And then this will be examined whether to
(23) assess whether the customer is right or not.
(24) If the customer is right, the amount would be
(25) deducted from the payments that will be made.

(1) AKBULUT

(2) If it's not right, if it is not good, then
(3) there will be an examination that will be
(4) made to assess that it is not good.

(5) Q Were there discussions between
(6) Private Label and Atateks by E-mail or
(7) telephone concerning charge backs?

(8) A Charge backs are usually handled
(9) by documents, but sometimes there is a phone
(10) call coming indicating that such an amount of
(11) charge back will be sent out by the customer.

(12) Q Who at Atateks usually deals with
(13) charge backs?

(14) A Because I am the sales manager,
(15) it will come to me and I would cooperate with
(16) either Mr. Ilhan or Mr. Ihsan.

(17) Q Who at Private Label would
(18) Atateks deal with concerning charge backs,
(19) who was the person?

(20) THE INTERPRETER: The Private
(21) Label person?

(22) MR. BYLER: Yes, the Private
(23) Label person.

(24) A Nilda Akagocha or Christine
(25) Dente. All of these charge backs and

(1) AKBULUT

(2) reclamations as we call it, will be done with
(3) Christine Dente. She was the person that we
(4) spoke to.

(5) Q Did there come a time that you
(6) became aware that Target was lost as an
(7) ultimate customer for Atateks Garments?

(8) THE INTERPRETER: Sorry, I didn't
(9) get it.

(10) Q Did she learn at some point in
(11) time while she was at Atateks, that Target
(12) would no longer accept garments manufactured
(13) by Atateks?

(14) MR. GRANNIS: Objection to the
(15) form.

(16) A I don't remember. As far as I
(17) know, but I don't know for sure.

(18) Q Did the matter of charge backs
(19) become more of an issue towards the end of
(20) the Atateks and Private Labeling business
(21) relationship?

(22) MR. GRANNIS: Objection to the
(23) form.

(24) A Which charge backs?

(25) Q Any charge backs.

(1) AKBULUT

(2) A Because charge back is a negative
(3) word and --

(4) MR. BYLER: I don't mind you
(5) using the other word.

(6) A It was not a pleasant thing to
(7) have, so there will be from time to time
(8) there were problems regarding this matter.
(9) But as a big problem, I would say the checks
(10) were the big problem.

(11) Q When you referred to the checks,
(12) are you referring to the checks that Private
(13) Label gave to Atateks?

(14) A Yes.

(15) Q Did she have any understanding of
(16) the arrangements between Atateks and Private
(17) Label that those checks were not to be
(18) cashed?

(19) MR. GRANNIS: Objection to the
(20) form.

(21) A I don't know.

(22) Q Were you aware of any --

(23) A Are you talking about Private
(24) Label checks?

(25) Q Well, that's what I wanted to

(1) AKBULUT

(2) clarify.

(3) A I don't know such a thing.

(4) Q Was she aware of a practice of
(5) Private Label sending wire transfers for
(6) amounts reflected in checks that were then
(7) canceled?

(8) MR. GRANNIS: Objection to the
(9) form.

(10) A As far as I remember, when the
(11) monies were paid that were indicated on the
(12) checks, the checks were sent back.

(13) Do you think we are going to go
(14) on for long?

(15) Q Not much longer.

(16) Customer allowance, does she
(17) recognize that term?

(18) A Yes, I know.

(19) Q What is a customer allowance?

(20) A It means the difference, price
(21) difference.

(22) Q Were there customer allowances in
(23) connection with the purchase of garments from
(24) Atateks by Private Label?

(25) A I would give the price to Basul

(1) AKBULUT

(2) and then they would give it to Christine.

(3) Christine would put a markup and sell it to

(4) Target. Christine would notify us or inform

(5) us about the markup that is putting on.

(6) Are you talking about this?

(7) Q Yes.

(8) A It was happening like this as I

(9) said.

(10) Q Were customer allowances
(11) reflected in some kind of debit note or
(12) invoice?

(13) A Yes.

(14) Q Do you recall there were any
(15) purchases of garments from Atateks by a
(16) company by the name of the Second Skin?

(17) THE INTERPRETER: From Atateks?

(18) Q Garments sold by Atateks to
(19) Second Skin?

(20) A No, I don't.

(21) Q No, I don't --

(22) THE INTERPRETER: I don't know.

(23) Q Let me ask you this, did she know
(24) that Emir Basul ever put up checks with
(25) respect to purchases of garments from Atateks

(1) AKBULUT

(2) by Private Label?

(3) A Repeating the question, yes. She
(4) did not give a check for the Private Label to
(5) buy anything. There was a dialogue between
(6) Emir Basul and Ilhan Arslan about those
(7) checks.

(8) Q What does she recall of that
(9) dialogue?

(10) A I remember that for the checks
(11) that were not paid by Private Label, some
(12) checks were taken from Emir Basul to use as a
(13) credit, not to be cashed.

(14) Q How would those checks be used as
(15) a credit?

(16) A What I remember, although it was
(17) not very clear because the time has past,
(18) these checks were used as collateral to be
(19) given to the banks, not to be second signed
(20) to be cashed by somebody else for credit
(21) purposes.

(22) MR. GRANNIS: It is now 9:27, 40
(23) minutes has past because Mr. Byler's
(24) statement that I made meritless
(25) objections or were unfounded. I am

(1) AKBULUT

(2) going to grant him five minutes then I
(3) demand the option of cross-examination
(4) given the witness' limited time.

(5) Q Did there come a time when you
(6) left Atateks?

(7) A Yes.

(8) Q Does she remember precisely when
(9) in 2006 it was she left?

(10) A I remember at the end of this
(11) 2006 or the beginning of 2007, but I don't
(12) remember exactly.

(13) Q Were you blamed for any problems
(14) with Private Label?

(15) THE INTERPRETER: Were you?

(16) MR. BYLER: Blamed for any
(17) problems.

(18) A Not exactly.

(19) Q How do I ask a follow-up question
(20) on not exactly.

(21) Can you explain what you meant by
(22) not exactly?

(23) A What I mean by not exactly, was
(24) that they did not say that I was responsible
(25) for anything and our business relationship

(1) AKBULUT

(2) did not end because of such a statement. But
(3) because of nonpayments and all of those check
(4) problems, sometimes we sat together and
(5) discussed this. That's what I mean by not
(6) exactly.

(7) Q After you left Atateks, did you
(8) continue with a career in textiles?

(9) A Yes.

(10) Q Is she employed today?

(11) A Yes.

(12) Q What position does she hold?

(13) THE INTERPRETER: What position?

(14) MR. BYLER: Yes, the position.

(15) A Same position.

(16) Q As a sales manager?

(17) A Yes.

(18) Q Were you involved at all in any
(19) payment of commission to Christine Dente?

(20) A I didn't understand exactly.

(21) What I can say is, when I received the
(22) invoices, I would relay them to the
(23) accounting department. Other than that, I
(24) don't really understand.

(25) Q Do you recall any separate

(1) AKBULUT

(2) payments apart from invoices with respect to
(3) garments, separate commission payments to
(4) Christine Dente?

(5) A No, no.

(6) Q Can she identify Ahmet, I will
(7) spell the last name. K-A-R-A-Y-E-L. Who is
(8) that?

(9) THE INTERPRETER: K-A-Y --

(10) MR. BYLER: K-A-R-A-Y-E-L.

(11) A He was our coordinator for the
(12) period of time we worked together.

(13) Q Did he, Mr. Karayel, report to
(14) Bahar, to you?

(15) A No, he was above me.

(16) Q He is above you. In what way did
(17) Mr. Karayel work with you?

(18) A As coordinator, his job was to
(19) coordinate several aspects like marketing;
(20) trips that have to be made; budgeting; any
(21) problems we have; customer relations as such.

(22) MR. GRANNIS: It is now 8:33.

(23) MR. BYLER: I got one more
(24) question.

(25) Q Were you aware of a letter of

(1) AKBULUT

(2) credit that Target put up to pay for some of
(3) the goods, garments that Atateks manufactured
(4) and made for Private Label purchase orders?

(5) A What I can remember that Target
(6) would not give a letter of credit to us, but
(7) it will give a letter of credit to Basul and
(8) Basul will transfer it to us.

(9) Q What does she know of that letter
(10) of credit?

(11) A I don't anything about this
(12) because this comes to the finance department
(13) or accounting, they would know the necessary
(14) procedures about that.

(15) Q Was she responsible at all for
(16) the financial arrangements as to garments
(17) that were shipped to Private Label
(18) warehouses?

(19) A I didn't understand what kind of
(20) financial.

(21) Q Was she involved at all in how it
(22) was that garments were shipped to Private
(23) Label warehouses and the terms on which those
(24) garments would be turned over to Private
(25) Label?

(1) AKBULUT

(2) A We would send the shipments
(3) directly to Target's warehouse. Only a small
(4) portion of the Private Label would keep for
(5) itself and we would send it open based on the
(6) trust.

(7) Q The trust for Private Label?

(8) A Yes.

(9) MR. GRANNIS: For the record,
(10) it's now 9:37.

(11) EXAMINATION BY

(12) MR. GRANNIS:

(13) A Ms. Akbulut, my name is Eric
(14) Grannis and I represent Atateks. Good
(15) afternoon and thank you for testifying.

(16) Ms. Akbulut, where do you work
(17) now?

(18) A In another company.

(19) Q What company is that?

(20) A The textile company.

(21) Q What is the name of that company?

(22) A Why is the name important?

(23) Q Could you just answer the
(24) question, please.

(25) A Orma, O-R-M-A Textiles. That's

(1) AKBULUT

(2) where I work.

(3) Q Thank you. Does Orma do business
(4) with Basul?

(5) A In the past they use to but not
(6) any more.

(7) Q When did they stop?

(8) A I don't remember. I am knew
(9) there.

(10) Q Does Orma do business with
(11) Private Label?

(12) A Right now, no.

(13) Q Do you know when Orma stopped
(14) doing business with Private Label?

(15) A No, I don't know.

(16) Q Did you do any business with
(17) Basul?

(18) A No, right now I am not.

(19) Q When did you last do business
(20) with Basul?

(21) A When I was in Atateks.

(22) Q Who asked you to testify in this
(23) matter?

(24) A Emir Basul and Christine Dente.

(25) Q Did you speak with Ms. Dente?

(1) AKBULUT

(2) A No.

(3) Q So did you speak with Ms. Basul?

(4) A Yes.

(5) Q So what did Ms. Basul tell you
(6) about testifying?

(7) A That for this case to be over, my
(8) testimony is needed and she wanted her to
(9) testify but it was not accepted.

(10) Q You are saying Ms. Basul wanted
(11) to testify; is that right?

(12) A Yes.

(13) Q Did she say why it was not
(14) accepted?

(15) A No. This conversation happened
(16) one or two days ago.

(17) Q How long was the conversation?

(18) A Fifteen or twenty minutes. Half
(19) an hour to an hour, I don't remember exactly
(20) because it was an intermittent speech or
(21) talk.

(22) Q What do you mean by intermittent?

(23) A Like I was on the phone with her
(24) and then I was hanging up and doing my own
(25) business and then she is calling back and

(1) AKBULUT

(2) talking to her again, that's what I mean.

(3) Q What else do you remember about
(4) the conversation?

(5) A I don't remember anything else.

(6) Q Did Ms. Basul explain what you
(7) would be asked about?

(8) A No.

(9) Q Now, this conversation was only a
(10) couple of two days ago and lasted between 15
(11) minutes to an hour, but you don't remember
(12) anything else at all about it?

(13) A I didn't understand the question,
(14) can you ask it again, please.

(15) Q Even though this conversation was
(16) very recent --

(17) A One or two days ago, yes.

(18) Q -- you don't remember anything
(19) else about this conversation?

(20) A I told everything that I remember
(21) about this and to go over that once more.

(22) She told me this case is going on and for

(23) this case could be resolved by me being a

(24) witness necessary because at that time I use

(25) to work at Atateks, and because I know about

(1) AKBULUT

(2) this subject. When I asked ask her why not
(3) you, then she said it's not accepted so you
(4) have to.

(5) Q Did she say what the case was
(6) about?

(7) A This is a case started by
(8) Atateks, and I have to make a phone call.

(9) This is a case started by
(10) Atateks. This case is between Atateks and
(11) Christine Dente, that's what she told me.

(12) THE INTERPRETER: She is on the
(13) phone with somebody else.

(14) A Okay.

(15) Q Why did you agree to testify?

(16) A Because it is taking too long and
(17) because I know about this subject and I work
(18) here, they put my name down as a witness.
(19) And to be able to resolve the case, they
(20) wanted me to be a witness and that's what I
(21) did.

(22) Q So, you are testifying because
(23) Private Label wants you to testify?

(24) MR. BYLER: Objection to the
(25) form.

(1) AKBULUT

(2) A No, not because of Private Label
(3) wanted me, because at that period we were
(4) having a very dense business relationship and
(5) all the matters were going to me and they
(6) asked me if I testify, that case will be
(7) resolved quickly.

(8) Q Do you want the case to be
(9) resolved quickly?

(10) A I am only a witness to these
(11) matters, do not -- not of my concern at the
(12) moment.

(13) Q Why did you leave Atateks?

(14) A It was mutual understanding that
(15) we are not communicating very well after
(16) awhile, and we decided to end the business
(17) relationship mutually.

(18) Q Ms. Akbulut, I am going to read
(19) to you a portion of an E-mail, and I want to
(20) ask you about it.

(21) MR. BYLER: Do you mind if I look
(22) over your shoulder?

(23) MR. GRANNIS: Fine. I will have
(24) him read it. The court reporter needs
(25) to hear it.

(1) AKBULUT

(2) MR. BYLER: Read it.

(3) Q Hi Christine, I am begging you,
(4) really I am in trouble with my personal
(5) payment. If you start to pay I will get my
(6) money. Please let me know when you are gonna
(7) start to pay. The date was April 30, 2007
(8) for that E-mail.

(9) What do you mean by I am in
(10) trouble with my personal payment?

(11) A I used to work -- the reason this
(12) E-mail was written is, I was working on a
(13) commission basis at Atateks and I am trying
(14) to insure payments of those checks. Because
(15) of problems with the check payments, I am
(16) trying to insure that those checks are paid
(17) so that I can get my commission. That's the
(18) reason why this was written.

(19) Q Thank you.

(20) I am going to read another E-mail
(21) from you to Yasiman Usilly dated November 8,
(22) 2006.

(23) A Yes.

(24) Q Gizem, really I don't understand.
(25) We give VTA, you don't obey it and you don't

(1) AKBULUT

(2) care which date is written and send PO in
(3) different dates. I don't accept the dates
(4) which are on an original PO.

(5) Can you explain this E-mail to
(6) me?

(7) MR. BYLER: You gave the date?

(8) MR. GRANNIS: I did.

(9) A In the course of business that we
(10) did with Target, there is something called
(11) time election which is a VTA. Target, this
(12) is some kind of after statement saying if we
(13) received the purchase order by such and such
(14) date, we can ship the products on such and
(15) such date.

(16) Now this E-mail is intended to
(17) write -- to warn them if they did not send
(18) the purchase order at the specific time or
(19) date and they are asking the goods to be
(20) shipped on the original date that I asked
(21) for, although they did not keep their promise
(22) of sending the purchase order on time. So
(23) that E-mail is designed to warn them they are
(24) doing something wrong.

(25) Q When you say they didn't send the

(1) AKBULUT

(2) purchase order on time, who is they?

(3) A Private Label, and Private Label
(4) was getting them from Target which means that
(5) Target didn't send them.

(6) Q Did that happen on other
(7) occasions?

(8) A Yes. But writing such E-mails,
(9) either we were extending the time of shipment
(10) or we were trying to make them send the
(11) purchase order as soon as possible.

(12) Q I am going to read to you an
(13) E-mail dated October 27, 2006.

(14) A Yes.

(15) Q From you to Basul. Emir, I am
(16) giving you my best prices for plus size as
(17) only FOB Jordan 450 with folded 460.

(18) THE INTERPRETER: 460?

(19) Q 460 with folded over satin band
(20) for both including free commission. No way
(21) for TR. Your office does not work, nobody
(22) sent anything to me. Please contact with
(23) Bamnu Bahar.

(24) What do you mean your office does
(25) not work?

(1) AKBULUT

(2) A This is a warning for business
(3) purposes, not personal. This means either
(4) his or her office is sending me the details
(5) that I asked for in a late fashion or not at
(6) all. This is designed to warn them that I am
(7) not getting the responses or the feedback
(8) that I am asking for.

(9) Q Did this happen on other
(10) occasions?

(11) A Yes. Of course within the course
(12) of business, yes. Either with the customers
(13) or with the producers send this kind of
(14) warning E-mails are customary. People try to
(15) speed each other up by writing some warning
(16) E-mails like this.

(17) MR. GRANNIS: One moment.

(18) For record, if I had more time I
(19) would consult with my client by
(20) telephone who is in Istanbul to ask him
(21) what he wants to ask, but I want to
(22) find out whether we have more time.

(23) A She wants to know if we are over,
(24) if we are done.

(25) Q Do you have time, more time for

(1) AKBULUT

(2) me to ask my client if he wants me to ask
(3) more questions or do you need to go now?

(4) A Yes, there is time.

(5) MR. BYLER: Do you want to take a
(6) break?

(7) MR. GRANNIS: Just take a minute.

(8) MR. BYLER: Explain to the
(9) witness we are taking a short break.
(10) We are close to being done.

(11) (Whereupon, a short recess was
(12) taken.)

(13) MR. GRANNIS: I have no further
(14) questions.

(15) MR. BYLER: I have one quick
(16) question.

(17) BY MR. BYLER:

(18) Q You were read some E-mails by
(19) Mr. Grannis, were these kind of E-mails part
(20) of a working relationship between Private
(21) Label and Atateks in the garment textile
(22) business?

(23) A When there is a problem, yes. If
(24) the Private Label did not do the things he is
(25) supposed to do, yes, these are very normal

(1) AKBULUT

(2) warning E-mails. And Private Label also
(3) sends E-mails to the producers if they are
(4) lagging behind in their schedule or things
(5) like that.

(6) MR. BYLER: I have no further
(7) questions. I just want to thank the
(8) translator, I consider his work
(9) excellent work today. I have done a
(10) lot of trials in New York and
(11) deposition work involving translation.

(12) I thank the court reporter for
(13) his work.

(14) THE INTERPRETER: You are done,
(15) too?

(16) MR. GRANNIS: I have no further
(17) questions.

(18) THE INTERPRETER: Thank you from
(19) the other side.

(20) (Time noted 10:03 A.M.)

(21)

(22)

(23)

(24)

(25)

(1) AKBULUT

(2) A C K N O W L E D G E M E N T

(3) STATE OF NEW YORK)

(4) :ss

(5) COUNTY OF NEW YORK)

(6) I, BAHAR AKBULUT, hereby certify that I
(7) have read the transcript of my testimony
(8) taken under oath in my Deposition of May 30,
(9) 2008; that the transcript is a true, complete
(10) and correct record of what was asked,
(11) answered and said during this Deposition, and
(12) that the answers on the record as given by me
(13) are true and correct.

(14)

(15)

(16)

(17) -----
BAHAR AKBULUT

(18) signed and subscribed to
(19) before me, this day
of , 200

(20)

Notary Public

(21)

(22)

(23)

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(1)

AKBULUT

(2)

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WITNESS

EXAMINATION BY

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BAHAR AKBULUT

MR. BYLER

5, 41

MR. GRANNIS

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(1) AKBULUT
 (2) C E R T I F I C A T E

(3) STATE OF NEW YORK) - - -

(4) : ss.:

(5) COUNTY OF NEW YORK)

(6) I, STEPHEN C. CELENTANO,
 (7) Shorthand Reporter and Notary Public
 (8) within and for the State of New York,
 (9) do hereby certify:

(10) That BAHAR AKBULUT, whose
 (11) DEPOSITION as herein set forth, was
 (12) duly sworn by me, and that this
 (13) transcript of the examination is a true
 (14) and accurate record of the testimony
 (15) given by such witness.

(16) I further certify that I am not
 (17) related to any of the parties to this
 (18) action by blood or marriage, and that I
 (19) am in no way interested in the outcome
 (20) of this matter.

(21) IN WITNESS WHEREOF, I have
 (22) hereunto set my hand this 1st day of
 (23) June of 2008.

(24)
 (25) STEPHEN C. CELENTANO